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In re Application of
Coury, et al.

Serial No.: 10/533,179

PCT No.: PCT/US03/20451

Int. Filing Date: 27 June 2003

Priority Date: 28 June 2002

Attorney's Docket No.: 5208PCT

For: CONTROLLED RELEASE OF ANTI-
ARRHYTHMIC AGENTS

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed 27 October 2005.

BACKGROUND

On 27 June 2003, applicants filed international application PCT/US03/20451, which claimed priority of an earlier U.S. provisional application filed 28 June 2002. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 28 December 2004.

On 29 April 2005, applicants filed a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, a declaration, a bib data sheet and authorization to charge the deposit account for the basic national fee. These papers were assigned Application No. 10/533,179. Applicant also filed the current petition along with the petition fee.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to

revive under 37 CFR 1.7(b) must be accompanied by a terminal disclaimer and small entity fee of \$55

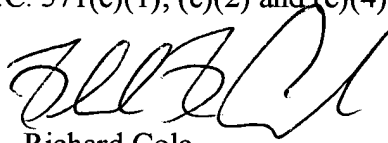
A review of the application file reveals that with the present filing, the application satisfies the requirements of 35 U.S.C. 371.

CONCLUSION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the national stage office for further processing in accordance with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **29 April 2005**.

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